

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and
Availability of Additional Documents**

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE
CALIFORNIA CLEAN AIR ACT NONVEHICULAR SOURCE FEE REGULATIONS

Public Hearing Date:	July 24, 2003
Internet Posting Date of this Notice:	November 12, 2003
Public Availability Date:	November 12, 2003
Deadline for Public Comment:	December 2, 2003

At a public hearing held on July 24, 2003, the Air Resources Board (the Board or ARB) considered proposed amendments to the California Clean Air Act Nonvehicular Source Fee Regulations, title 17, California Code of Regulations (CCR), sections 90800.8 – 90800.3. The proposed amendments are described in detail in the Initial Statement of Reasons released to the public on June 6, 2003.

At the hearing, the Board approved Resolution 03-20, which initiated steps toward final adoption of the amendments, and made certain modifications to the originally proposed language. Following is a summary of the modifications:

- Section 90800.8(c) was modified to provide that emissions and fees for facilities in the South Coast Air Quality Management District shall be determined on a fiscal year instead of a calendar year basis. Several conforming modifications were also made to sections 90800.8 and 90800.9 to be consistent with this provision.
- Sections 90800.8 and 90800.9 were modified to provide more time (i.e., one additional month) for affected sources to submit comments on preliminary emission estimates.
- The definition of “Holding or parent company” in section 90801 was modified. Section 90802(a) was also modified to specify that, at the request of a holding or parent company, the Executive Officer shall provide separate written notice of their individual fee determinations to each consumer products or architectural coatings manufacturer within the holding or parent company.

During the 45-day public comment period and at the hearing, a number of commenters requested ARB staff to provide a detailed accounting of the personnel and other resources allocated to the Board's consumer products and architectural coatings

programs. In response to this request, staff has prepared and has added to the rulemaking record, in accordance with Government Code section 11347.1, a new document entitled "*Consumer Products and Architectural Coatings Program Costs*." This document can be accessed on the Board's Internet site for this rulemaking at www.arb.ca.gov/regact/feereg03/feereg03.htm, and is also available for inspection during normal business hours at the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814 or contact Barbara Fry at (916) 324-8023, or by email at bfry@arb.ca.gov.

By this notice, this document and the modified regulatory language are being made available for public comment prior to final action by the Board's Executive Officer. Attached to this notice is Board Resolution 03-20 (Enclosure 1), which the Board approved on July 24, 2003. The text of the modified regulatory language is appended to the resolution as Enclosure 2. The originally proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to show deletions. Modifications to the originally proposed amendments are shown in double underline to indicate additions and ~~double strikeout~~ to show deletions. The regulatory documents for this rulemaking are available online at the ARB internet site listed above.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt new sections 90800.75, 90800.9, and 90804, and amend sections 90800.8, 90801, 90802, and 90803, title 17, California Code of Regulations, after making the modified regulatory language available to the public for a supplemental written comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if she determines that this is warranted.

Written comments on the modified regulatory language shown in Enclosure 2, and on the new document that has been added to the record, may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal Mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: feereg03@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the modifications and new document described above will be considered by the Executive Officer.

If you have special accommodation, language needs or are a person with a disability and desire to obtain this document in an alternative format, please contact ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Enclosures